

STATE OF NEW YORK

4982

2023-2024 Regular Sessions

IN SENATE

February 17, 2023

Introduced by Sen. RAMOS -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to protecting employee freedom of speech and conscience

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph c of subdivision 1 of section 201-d of the labor
2 law, as added by chapter 776 of the laws of 1992, is amended and two new
3 paragraphs d and e are added to read as follows:

4 c. "Work hours" shall mean, for purposes of this section, all time,
5 including paid and unpaid breaks and meal periods, that the employee is
6 suffered, permitted or expected to be engaged in work, and all time the
7 employee is actually engaged in work. This definition shall not be
8 referred to in determining hours worked for which an employee is enti-
9 tled to compensation under any law including article nineteen of this
10 chapter[-];

11 d. "Political matters" shall mean matters relating to elections for
12 political office, political parties, legislation, regulation and the
13 decision to join or support any political party or political, civic,
14 community, fraternal or labor organization;

15 e. "Religious matters" shall mean matters relating to religious affil-
16 iation and practice and the decision to join or support any religious
17 organization or association.

18 § 2. Paragraphs c and d of subdivision 2 of section 201-d of the labor
19 law, paragraph c as amended by chapter 92 of the laws of 2021 and para-
20 graph d as added by chapter 776 of the laws of 1992, are amended to read
21 as follows:

22 c. an individual's legal recreational activities, including cannabis
23 in accordance with state law, outside work hours, off of the employer's
24 premises and without use of the employer's equipment or other property;
25 [~~ex~~]

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 d. an individual's membership in a union or any exercise of rights
2 granted under Title 29, USCA, Chapter 7 or under article fourteen of the
3 civil service law; or

4 e. an individual's refusal to: (i) attend an employer-sponsored meet-
5 ing with the employer or its agent, representative or designee, the
6 primary purpose of which is to communicate the employer's opinion
7 concerning religious or political matters; or (ii) listen to speech or
8 view communications, the primary purpose of which is to communicate the
9 employer's opinion concerning religious or political matters.

10 § 3. Section 201-d of the labor law is amended by adding three new
11 subdivisions 8, 9 and 10 to read as follows:

12 8. Nothing in this section shall prohibit: (i) an employer or its
13 agent, representative or designee from communicating to its employees
14 any information that the employer is required by law to communicate, but
15 only to the extent of such legal requirement; (ii) an employer or its
16 agent, representative or designee from communicating to its employees
17 any information that is necessary for such employees to perform their
18 job duties; (iii) an institution of higher education, or any agent,
19 representative or designee of such institution, from meeting with or
20 participating in any communications with its employees that are part of
21 coursework, any symposia or an academic program at such institution;
22 (iv) casual conversations between employees or between an employee and
23 an agent, representative or designee of an employer, provided partic-
24 ipation in such conversations is not required; or (v) a requirement
25 limited to the employer's managerial and supervisory employees.

26 9. The provisions of this section shall not apply to a religious
27 corporation, entity, association, educational institution or society
28 that is exempt from the requirements of Title VII of the Civil Rights
29 Act of 1964 pursuant to 42 USC 2000e-1(a) with respect to speech on
30 religious matters to employees who perform work connected with the
31 activities undertaken by such religious corporation, entity, associ-
32 ation, educational institution or society.

33 10. Every employer shall post a sign in every workplace at the
34 location or locations where notices to employees are normally posted, to
35 inform employees of their rights pursuant to this section.

36 § 4. This act shall take effect immediately.